

of these signals, the first calculating unit produces a first control signal S1 for controlling the engine speed in accordance with a minimum-maximum speed Gov. characteristic. "In response to... input signals N, T, A2, the second calculating unit produces a second control signal S2 for controlling the engine speed in accordance with the all-speed governor characteristic." (Col 3, lines 30-34).

"The first and second control signals S1 and S2 are applied to a selecting switch 10 which is switched to pass one or the other of the signals S1 and S2 in accordance with the discrimination by a discriminating unit 11... The discriminating unit 11 discriminates which of the first and second control signals S1 and S2 is to be selected in accordance with the second amount signal A2". (Col 3, lines 35-46).

Claim 1, as amended, discloses "a first sensor operable to determine a first characteristic of the vehicle indicative of whether the vehicle is in motion and to transmit a first selecting signal as a function of the first characteristic".

Okamoto fails to disclose the element described above. As mentioned above, Okamoto discloses discriminating between the first and second control signals in accordance with the second amount signal A2. The second amount signal A2 is strictly a function of the position of speed setting knob 25. Nothing within Okamoto discloses using the position of speed setting knob 25 as a function of whether the vehicle is in motion or not.

Further, Okamoto discloses that the speed setting knob 25 is rotatable between "from a position "L" to the position "H"". Col. 4, line 65. There is nothing disclosing that "L" could be zero, which would be similar to the limitation of claim 1: "indicative of whether the vehicle is in motion". In fact, in many, if not all, types of machines that use a speed setting knob 25, it is impossible to set the knob to a speed setting of zero. This would be akin to setting the engine to having no rotational speed, which would be counterproductive to the point of the knob.

Thus, speed setting knob 25 is not indicative of whether the vehicle is in motion. Thus, Okamoto does not disclose every element of claim 1, and the rejection of claim 1 is improper.

Claims 2-11 are dependent claims depending either directly or indirectly from claim 1. Thus, because claim 1 contains patentable subject matter, so to do claims 2-11.

Claims 2-11 may also contain patentable subject matter independent of the dependency on claim 1, e.g., claim 3.

Claims 2-33 are either contain language of similar limitation or are dependent upon a claim that has similar language to that discussed above. Thus, for similar reasons, claims 2-33 are not disclosed by Okamoto.

Claims 34-36 include a similar concept to that described in claim 1: "transmitting a signal indicative of one of the first and second fuel quantities as a function of whether the vehicle is in a parked mode". Being in a parked mode may be thought of as a subset of "whether the vehicle is in motion". Thus, the same rationale for claims 1-33 may be applied to claims 34-36, and therefore claims 34-36 are not disclosed in Okamoto.

Claims 1-36 were also rejected under 35 U.S.C. 102(b) as being anticipated by Goode. Goode discloses "two different types of governors, (1) an all-speed governor, and (2) a torque governor" Col. 5, lines 34-35, and a selection device 50 that "provides selection between [the] two types of governors." Col. 5, lines 33-34. "Typically, [the selection device] is factory present in accordance with a predetermined configuration of vehicle 22 and engine 30." Col. 5, lines 36-37.

Goode does not disclose selecting between two governors based on "whether the vehicle is in motion", or "in a parked mode". In fact, Goode teaches that the selection device is operated only once, at the factory, and implies that it is not capable of being changed during normal operation of the vehicle.

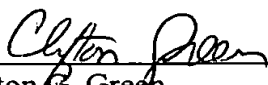
Thus, claims 1-36, for reasons similar to that disclosed above with respect to Okamoto, are not disclosed by Goode.

The other cited art of record (not used as a basis for a rejection of claims) appears to be even less relevant than the Okamoto and Goode references, and therefore does not disclose the elements of claims 1-36.

The telephone conference between Examiner Abdelnour and Applicant's representative discussed the substance of what is presented above.

It is respectfully urged that the subject application is in condition for allowance and allowance of the application at issue is respectfully requested.

Respectfully submitted,



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